

# Exhibit 308

*United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.*  
*v. Dey, Inc., et al.*, Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid in Support  
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**



DEY, L.P.  
2751 Napa Valley Corporate Drive  
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TEL. (707) 224-3200 FAX (707) 224-8918

July 18, 2000

State Medicaid Administrator

Dear Administrator:

We have introduced a *new* Albuterol Inhalation Aerosol, 17g Metered Dose Inhaler Kit and Refill from DEY with different NDC numbers. They should be cross-referenced with our 303 existing line which is being discontinued.

The product is AB rated and WAC pricing remains unchanged at this time. The following is detailed product information:

Old NDC Number	New NDC Number	Description	Size/Strength	Units/Ctn
49502-303-17	49502-333-17	Albuterol Inhalation Aerosol 17 g (Kit)	200 inhalations 90 mcg/puff	1
49502-303-27	49502-333-27	Albuterol Inhalation Aerosol 17 g (Refill)	200 inhalations 90 mcg/puff	1

Additionally, please note the following AWP changes to the Acetylcysteine and Sodium Chloride Solutions, and both AWP and WAC changes to the EasiVent™ Valved Holding Chambers and EasiVent™ Masks:

NDC Number-	Description	Size/Strength	Units/Ctn	New WAC	New AWP
49502-181-04	Acetylcysteine Solution USP	10%, 4mL	12	no change	39.88
49502-181-10	Acetylcysteine Solution USP	10%, 10mL	3	no change	23.40
49502-181-30	Acetylcysteine Solution USP	10%, 30mL	3	no change	39.75
49502-182-04	Acetylcysteine Solution USP	20%, 4mL	12	no change	46.00
49502-182-10	Acetylcysteine Solution USP	20%, 10mL	3	no change	25.50
49502-182-30	Acetylcysteine Solution USP	20%, 30mL	3	no change	43.50
49502-182-00	Acetylcysteine Solution USP	20%, 100mL	1	no change	49.90

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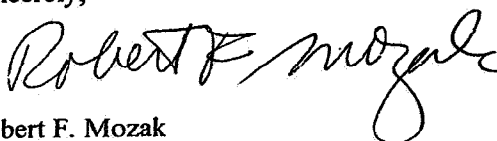
## Sodium Chloride Solution and EasiVent™ Changes Continued:

NDC Number-	Description	Size/ Strength	Units/ Ctn	New WAC	New AWP
49502-820-03	Sodium Chloride Inhalation Solution USP	0.45%, 3mL	100	no change	14.50
49502-820-05	Sodium Chloride Inhalation Solution USP	0.45%, 5mL	100	no change	14.50
49502-830-03	Sodium Chloride Inhalation Solution USP	0.9%, 3mL	100	no change	14.50
49502-830-05	Sodium Chloride Inhalation Solution USP	0.9%, 5mL	100	no change	14.50
49502-830-50	Sodium Chloride Inhalation Solution USP	0.9%, 15mL	50	no change	14.50
49502-640-15	Sodium Chloride Inhalation Solution USP	3%, 15mL	50	no change	40.00
49502-641-15	Sodium Chloride Inhalation Solution USP	10%, 15mL	50	no change	40.00
49502-207-01	EasiVent™ Valved Holding Chamber	n/a	1	12.00	16.00
49502-207-25	EasiVent™ Valved Holding Chamber-Bulk Pack	n/a	25	300.00	400.00
49502-208-01	EasiVent™ Mask-Small	n/a	1	6.00	7.50
49502-208-02	EasiVent™ Mask-Medium	n/a	1	6.00	7.50
49502-208-03	EasiVent™ Mask-Large	n/a	1	6.00	7.50

As you know, WAC is referred to by data reporting services and government agencies as an "estimate," and DEY believes that WAC generally means the invoice price charged by a pharmaceutical manufacturer to drug wholesalers. As you also know, WAC does not include the net effect of discounts from invoice price (based on volume of purchases, speed of payment and other factors), rebates, chargebacks, administration fees and other cost adjustments which are well-known and commonplace in the pharmaceutical industry and can affect, to a greater or lesser degree, the actual "final" cost to each purchaser. These discounts many not be determined until some months after the date of the invoice. Therefore, we remind you that WAC may well not be representative of actual market costs to those entities which you are reimbursing under Medicaid. As you know, the AWP listed here does not represent any actual price which will be or has been charged or paid for this product. Generally, it is DEY's practice to set an AWP before a product is first sold and not to subsequently change that AWP. We understand that this is consistent with industry practice. We believe this to be clearly understood by state and federal Medicaid regulators. DEY has chosen to change the AWP on these products at this time principally due to current conditions in the marketplace.

If you need additional information, please feel free to contact Virginia Farrat, Contract Analyst at 800-755-5560 ext. 4110.

Sincerely,



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